

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 HA-05 CIAE-00 DODE-00 PM-05 H-01
INR-10 L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15
ICA-11 AID-05 /076 W
-----087202 130229Z /75
R 120922Z SEP 78
FM AMEMBASSY BELGRADE
TO SECSTATE WASHDC 7913
INFO AMCONSUL ZAGREB

C O N F I D E N T I A L BELGRADE 6670

DEPARTMENT FOR EUR/EE

E. O. 11652: GDS
TAGS: SHUM, YO
SUBJ: 1978 REPORT ON HUMAN RIGHTS PRACTICES IN YUGOSLAVIA

REF: STATE 222194

1. WE HAVE REVIEWED TEXT OF LAST YEAR'S REPORT AND HAVE THE
FOLLOWING SUGGESTIONS CONCERNING CHANGES:

A. IN SECTION 1, "POLITICAL SITUATION," LAST SENTENCE OF PARA
2 SHOULD BE CHANGED TO READ "THIS HAS BEEN A MATTER OF GREAT
CONCERN TO THE YUGOSLAV GOVERNMENT AND HAS LED IT TO INCREASE
INTERNAL CONTROLS IN RECENT YEARS."

B. RE SECTION 2, "LEGAL SITUATION," WE NOTE ONLY FOR DEPART-
MENT'S INFORMATION A RECENT STATEMENT BY FEDERAL ASSEMBLY VICE-
PRESIDENT KIRO HADZIVASILEV THAT "THE DENIAL OF FREEDOM TO
MONOPOLISTIC FORCES...IS THE BASIC PREREQUISITE OF REAL HUMAN
FREEDOM."

C. SECTION 3, "OBSERVANCE OF INTERNATIONALLY RECOGNIZED HUMAN
RIGHTS," SHOULD BE CHANGED TO READ: "THE YUGOSLAV RECORD ON
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HUMAN RIGHTS IS ON THE WHOLE GOOD, BUT IN CERTAIN CRITICAL
RESPECTS ONLY FAIR, AND SPOTTY. THE YUGOSLAV GOVERNMENT
CONSISTENTLY VIOLATES CERTAIN RIGHTS, PARTICULARLY THOSE PER-
TAINING TO CRITICAL POLITICAL EXPRESSION. IT IS NOT A SIGNIFI-
CANT OFFENDER WITH RESPECT TO FORCEFUL VIOLATIONS OF THE PERSON
AND IT HAS A GOOD RECORD ON FREEDOM OF TRAVEL, EMIGRATION, AND
ECONOMIC RIGHTS."

D. IN ARTICLE 5 ON TORTURE, AFTER THE SENTENCE WHICH ENDS "UNCONFIRMED REPORTS OF BEATING OF PRISONERS BY POLICE," ADD THE FOLLOWING SENTENCE: "THOSE MISTREATED, HOWEVER, CAN OFTEN OBTAIN REDRESS AND GOVERNMENT HAS, AT LEAST IN SOME CASES, TAKEN CORRECTIVE MEASURES."

E. IN ARTICLE 8, FIRST SENTENCE CAN STAND, REMAINDER SHOULD READ: "COURT VERDICTS AND SENTENCES ARE SUBJECT TO CONFIRMATION BY HIGHER COURTS AND CAN SUCCESSFULLY BE APPEALED. THERE HAVE BEEN EXCEPTIONS TO RIGHTS OF THE ACCUSED IN CASES CONSIDERED TO INVOLVE SECURITY."

F. UNDER ARTICLE 10, ADD THE FOLLOWING SENTENCE: "THE RECORD OF THE TRIAL IS NOT A FULL TRANSCRIPT AND ALL TESTIMONY IS RECORDED IN THE WORDS OF THE PRESIDING JUDGE."

G. UNDER ARTICLE 11, FIRST TWO SENTENCES CAN STAND, REMAINDER SHOULD READ: "TWO YEARS AGO A DEFENSE COUNSEL WAS CONVICTED OF BETRAYING AN ANTI-STATE ATTITUDE IN HIS ARGUMENTS ON BEHALF OF HIS CLIENT. THIS PRECEDENT COULD HAVE A CHILLING EFFECT ON THE EFFECTIVENESS OF DEFENSE COUNSELS IN THE FUTURE. THERE HAVE BEEN CASES IN WHICH THE AUTHORITIES HAVE INFLUENCED THE TESTIMONY OF WITNESSES."

H. UNDER "OTHER FREEDOMS," AFTER THE SENTENCE WHICH READS CONFIDENTIAL

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"CRITICISM OF GOVERNMENT POLICIES MAY BE CONSIDERED HOSTILE PROPAGANDA, A PUNISHABLE OFFENSE," INSERT THE FOLLOWING SENTENCE: "SURVEILLANCE OF TELEPHONE CONVERSATIONS AND MAIL IS TAKEN FOR GRANTED BY MANY YUGOSLAVS."

I. SECTION ON "OTHER HUMAN RIGHTS REPORTING" SHOULD READ AS FOLLOWS: THE AMNESTY INTERNATIONAL REPORT FOR 1977-78 RECORDS THE ORGANIZATION'S MEETINGS IN 1976 WITH HIGH OFFICIALS OF JUSTICE AND THE COURTS, AND EXPRESSES CONCERN ABOUT CERTAIN PROVISIONS OF THE YUGOSLAV PENAL CODE (SPECIFICALLY THOSE RELATING TO HOSTILE PROPAGANDA, ASSOCIATION AGAINST THE STATE, ENDANGERING THE TERRITORIAL INTEGRITY AND INDEPENDENCE OF THE STATE, AND COUNTERREVOLUTION) WHICH ARE VAGUELY DEFINED AND APPARENTLY ARBITRARILY APPLIED. AMNESTY INTERNATIONAL CURRENTLY HAS MORE THAN 100 PRISONERS IN YUGOSLAVIA INCLUDED IN ITS "ADOPTION" PROGRAM. ON THE FREEDOM HOUSE SCALE FROM ONE (BEST) TO SEVEN (WORST), YUGOSLAVIA IS RATED AS SIX IN POLITICAL RIGHTS, FIVE IN CIVIL LIBERTIES, AND AS "NOT FREE" OVERALL.

2. GENERALLY SPEAKING, THE YUGOSLAV RECORD ON VARIOUS SOCIAL AND ECONOMIC RIGHTS (ARTICLES 22 TO 27 OF THE UDHR HAS BEEN GOOD. THERE IS AN EXTENSIVE SYSTEM OF SOCIAL SECURITY AND OTHER

BENEFITS FOR THOSE WHO ARE OLD, DISABLED, OR WITHOUT EMPLOYMENT. SOCIAL SECURITY AND HEALTH BENEFITS WHICH WERE HITHERTO AVAILABLE TO PRIVATESECTOR FARMERS ONLY ON A VERY LIMITED BASIS WILL GRADUALLY BE EXTENDED TO COVER ALL FARMERS BEGINNING THIS YEAR. THE YUGOSLAV SOCIAL SYSTEM IS CONSTRUCTED ON THE IDEA OF SELF-MANAGEMENT, WHICH IN THEORY GIVES WORKERS CONTROL OVER THE PRODUCT OF THEIR LABOR. WOMEN RECEIVE EQUAL PAY FOR EQUAL WORK AND ARE WELL REPRESENTED IN MOST WALKS OF LIFE. TRADE UNIONS EXIST AND DO PLAY A ROLE WHICH IS TO IMPLEMENT EXISTING SELF-MANAGEMENT AGREEMENTS RATHER THAN TO BARGAIN WITH MANAGEMENT. THE GOVERNMENT DOES NOT "RECOGNIZE" STRIKES AS LEGAL, BUT "WORK STOPPAGES" DO OCCUR, CHIEFLY IN PROTEST OVER WAGE LEVELS OR WORKING CONDITIONS. THESE ARE NOT STRIKES IN THE WESTERN SENSE, BUT THEY OFTEN DO RESULT IN CORRECTION OF THE SPECIFIC GRIE-
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VANCE INVOLVED.

3. WE FURTHER RECOMMEND THE ADDITION OF THE FOLLOWING UNDER SECTION B "OTHER FREEDOMS": "THERE ARE SOME HOPEFUL SIGNS THAT THE QUESTION OF HUMAN RIGHTS IS OBTAINING INCREASING ATTENTION FROM THE YUGOSLAV GOVERNMENT AND THAT IT IS BECOMING MORE AND MORE LEGITIMATE AS A SUBJECT OF DISCUSSION." TO SUPPORT THIS STATEMENT, DEPARTMENT MAY WANT TO DRAW ON THE FOLLOWING FACTS: THERE HAS LONG BEEN A REQUIREMENT THAT APPLICANTS FOR CERTAIN POSITIONS (GOVERNMENT JOBS, TEACHERS, JOURNALISTS) BE MORALLY AND POLITICALLY "SUITABLE." THIS REQUIREMENT OFTEN HAD BEEN SUBJECT TO UNEVEN OR ARBITRARY INTERPRETATION, BUT FREQUENT COMPLAINTS OVER THE PAST YEAR, ESPECIALLY FROM SOME PEOPLE WHO HAD BEEN DECLARED "UNSUITABLE," HAVE AT LEAST LED TO MORE EXACT DEFINITION OF WHAT IS MEANT BY MORAL-POLITICAL SUITABILITY, AND PROMISES BY THE GOVERNMENT TO APPLY IT MORE SENSIBLY AND EVENHANDEDLY. THERE ALSO HAS BEEN DEBATE IN THE PAST SIX MONTHS OVER THE USE OF RECORDINGS AS EVIDENCE IN TRIALS; ALTHOUGH APPARENTLY NO DECISION HAS BEEN TAKEN, THE FACT THAT MANY JURISTS ARGUED THAT THIS WAS AN INFRINGEMENT OF A DEFENDANT'S RIGHTS SEEMS AN ENCOURAGING SIGN. BEFORE THE RECENT 11TH PARTY CONGRESS IN JUNE, THERE WAS ALSO CONSIDERABLE DISCUSSION ABOUT THE UNRESPONSIVENESS OF GOVERNMENT AND THE POOR TREATMENT OF CITIZENS BY GOVERNMENT OFFICIALS, WHICH WAS LIKEWISE LABELLED AN INFRINGEMENT OF HUMAN RIGHTS. THERE IS A RECENT REPORT OF AN INDIVIDUAL WHO SOUGHT REDRESS FOR COSTS WHICH HE INCURRED AS A RESULT OF BEING ARRESTED AND HELD BY MISTAKE. HE OBTAINED REIMBURSEMENT OF MOST OF THE COSTS HE HAD CLAIMED. AND FINALLY, THE BRUTAL TREATMENT OF A TRAMWAY WORKER BY TWO POLICEMEN RESULTED IN A WORK STOPPAGE WHICH HAS CAUSED THE AUTHORITIES TO INITIATE COURT PROCEEDINGS AGAINST THE POLICEMEN INVOLVED. THE CASE IS NOT YET DECIDED. ALSO THE MEDIA HAVE ON THE WHOLE BEEN LESS RETICENT IN REFERRING TO HUMAN RIGHTS IN
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, ANNUAL REPORTS
Control Number: n/a
Copy: SINGLE
Draft Date: 12 sep 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978BELGRA06670
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780371-0766
Format: TEL
From: BELGRADE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780974/aaaacits.tel
Line Count: 177
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 84dbdf51-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 STATE 222194
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 06 jul 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1459013
Secure: OPEN
Status: NATIVE
Subject: 1978 REPORT ON HUMAN RIGHTS PRACTICES IN YUGOSLAVIA
TAGS: SHUM, YO
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/84dbdf51-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014